

Application No. 09/775,083
Paper Dated: November 22, 2004
In Reply to Examiner Lee's phone call of November 17, 2004
Attorney Docket No. 218-010137

2876
JFV



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/775,083 Confirmation No. : 6320

Applicant : Fred SMITH

Filed : February 1, 2001

Title : COMBINATION FUEL DISPENSING AND LOTTERY
: TICKET DISPENSING METHOD AND APPARATUS

Group Art Unit : 2876

Examiner : Seung H. Lee

Customer No. : 28289

STATEMENT OF BASIS FOR INTERFERENCE

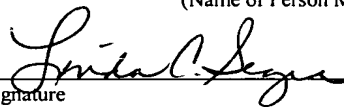
MS AMENDMENT
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

On November 17, 2004, the undersigned conducted a telephonic conversation with the Examiner regarding the need for a separate document including a statement of the basis for interference. Although such a statement was made in an Amendment After Final Rejection, dated February 6, 2003, and specifically on page 5 of that Amendment, the Examiner indicates

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, Alexandria, VA 22313-1450 on November 22, 2004

Linda C. Seger
(Name of Person Mailing Paper)


Signature

11/22/2004
Date

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that this statement must be made as a separate filing in order to properly invoke an interference.

Therefore, in order to effectively initiate the interference proceeding, the undersigned hereby states as follows:

The undersigned attorney for Applicant hereby declares that there is a basis upon which the Applicant is entitled to a judgment relative to the patentee, since the Applicant conceived of the claimed invention well before the filing date of the Keohane patent. The effective filing date of the present application, February 2, 2000, is three months or less after the effective filing date of the Keohane patent, January 19, 2000 such that the interference should proceed as set forth in 37 C.F.R. 1.608. Accordingly, a declaration of interference for claims 21-37 is respectfully requested.

If the Examiner requires any further statements or filings in this matter in order to appropriately invoke the interference proceeding, please contact the undersigned in due course.

Respectfully submitted,

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By



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